

1 change my career. So, I mean -- I mean, I had to  
2 take a pay cut because of it, and I became in debt,  
3 and I had to move.

4 Q. Okay. Now, explain to me the reasons  
5 why you transferred out of apparel.

6 A. Because of Jaime San Miguel.

7 Q. Okay. And because of his treatment of  
8 you?

9 A. Yes.

10 Q. Okay. And when you complained about  
11 his treatment to Fred Sayre, what did Fred Sayre  
12 do?

13 A. He didn't think it was an issue,  
14 because him and Jaime were -- I don't know if they  
15 were good friends or what, but I know they did  
16 things off-schedule from what I heard -- bowling,  
17 softball, things like that. And that's just what I  
18 heard. Again, I don't know if it's true.

19 But it wasn't -- I mean, Jaime and  
20 Fred and I, we would have, I guess, discussions and  
21 talks about either my -- my feelings and my  
22 opinions of what was going on, or either the issue  
23 at the time. And, to me, the issue would still  
24 then happen a month later or weeks later. It would  
25 still keep recurring.

1 Q. Okay.

2 A. And it was the same. It was like, "You  
3 are not doing this right. How come you are not  
4 doing this? I told you to do this." You know, it  
5 was just -- it was consistent. And I was just -- I  
6 had enough.

7 Q. Now, you also complained of this  
8 conduct to Dennis Affleck?

9 A. Uh-huh.

10 Q. And what was his response?

11 A. He just said, "Johnna, you and Jaime  
12 need to get along. And, basically, he didn't -- it  
13 was like he didn't hear anything I was -- I said.  
14 I said -- well, you know, I basically told him that  
15 the assistant manager and the manager should be  
16 working together. He should be on the floor more,  
17 helping me out, or -- I mean, not writing me up for  
18 things I didn't agree with. It was just -- it was  
19 things that -- I mean, I wouldn't -- I didn't  
20 normally do in my work history. I mean, it was  
21 just -- it was nonsense.

22 And, I mean, I was crying to  
23 Dennis Affleck. I remember when I was telling him.  
24 I said, "I really do enjoy my job. I love what I  
25 do," but it was really stressful for me at the time

1 to be in the situation with Jaime, because Jaime is  
2 either not appreciating the work that I did do, or  
3 taking credit for things that I did, even when  
4 corporate people were there.

5 Q. Such as?

6 A. And putting the blame on -- such as --  
7 I can give you a good -- an example that I can  
8 think of.

9 Q. Okay.

10 A. I came down -- let's see. When I got  
11 down here, we decided to switch the department, the  
12 children's department over, and it was a good move  
13 because it made more sense. And we put like -- I  
14 think it was the girls department then the boys,  
15 and then -- it was like toddlers. It was like it  
16 was totally swapped. But it went up from 60 to  
17 80 percent increases than what it had before.

18 Q. Increases in sales?

19 A. Increases in sales, yes. And you could  
20 see that. And --

21 Q. And whose idea was that?

22 A. That was my idea. And then, of course,  
23 when the buyers came -- and I wasn't there because  
24 I was on a different schedule that day when they  
25 came. But some other employees were saying that he

1 took credit for all of that.

2 Q. And he didn't indicate that you had  
3 been responsible or participated in that?

4 A. No.

5 Q. Did that upset you?

6 A. Oh, very much. It was -- I was very  
7 upset about it.

8 Q. Now, when did you switch from apparel  
9 to another department at Fred Meyer?

10 A. About a year. I guess when I could get  
11 over there, but the manager over there, he actually  
12 he came and got me.

13 Q. And who was that?

14 A. Bill Ledoux.

15 Q. And when you made the switch, it  
16 actually cost you money?

17 A. It did. It hurt me. I took a \$5 pay  
18 cut. And then, of course, I couldn't do all my  
19 bills, so I became in debt. I had to tell my  
20 parents I became in debt and moved back home. And  
21 that was about a year after being in jewelry. I  
22 just couldn't afford it anymore.

23 Q. Now, you have previously signed an  
24 affidavit dated February 12, 2004. It is marked as  
25 Exhibit 31 to our depositions.

1 Q. Okay. So on the daily tours, during  
2 the week that you and Myrna Johnson were working at  
3 Fred Meyer in Juneau, you could see that she was  
4 highlighting and signing off on the daily tour?

5 A. Yeah. Uh-huh. She still did that.

6 Q. Okay. Were you ever told by two female  
7 employees that Mr. San Miguel had said he wanted to  
8 replace Myrna Johnson with a younger and more  
9 beautiful employee?

10 A. I was told, but that was just hearsay.

11 Q. Right. Okay. It says here you were  
12 not surprised by this comment as you personally  
13 observed Mr. San Miguel -- that Mr. San Miguel  
14 favored younger female employees in comparison to  
15 his treatment of older women who worked in the  
16 Juneau store. Is that correct?

17 A. Yes. Uh-huh.

18 Q. Okay. And what observations did you  
19 have in that regard?

20 A. I would -- I'd be talking to Jaime  
21 about either something on the floor -- we'd be  
22 standing in the aisle, and then a pretty young lady  
23 would walk by, and he would just watch her. And  
24 I'd still try and stay focused with our  
25 conversation or try and get his attention.

1 Yeah. Great. Then we'll have somebody else do  
2 it."

3 Well, Minerva still never  
4 completed it. Actually, who did it was -- I  
5 completed it because it didn't get done by Myrna or  
6 Minerva. But it could have been Myrna maybe had a  
7 short staff that day or whatever. But then Minerva  
8 Cortez still never -- she never completed it  
9 either, but she never got reprimanded for it  
10 either.

11 Q. Okay. Now, in terms of completing the  
12 plan-o-gram, how do you know that you did it and  
13 not Mr. San Miguel?

14 A. You mean like --

15 Q. Do you have an actual memory of  
16 completing it?

17 A. Oh, yeah. I physically worked that  
18 whole counter.

19 Q. Did Mr. San Miguel do it with you or  
20 help you with it?

21 A. No. Huh-uh.

22 Q. Did Mr. San Miguel ever invite you to  
23 come over to his house to do some Latin dancing?

24 A. Yes.

25 Q. Okay. Can you describe how that

1 occurred?

2 A. I was shopping -- it was either a break  
3 or a lunch time -- in the home electronics  
4 department. And I asked him about a song, if he  
5 knew of, because my friends were DJ-ing down at the  
6 Viking on a Latin night. And I asked him about a  
7 song. He didn't know the song. He said, "Oh,  
8 well" -- he's like, "You can come over to my house,  
9 and we can do some Latin dancing." And I was like,  
10 "Oh, I don't think so."

11 Q. What did you feel about that?

12 A. It was very inappropriate and not  
13 professional.

14 Q. Okay. And did you give him any  
15 indication that you were interested in going to his  
16 home to do Latin dancing?

17 A. Oh, no.

18 Q. Approximately when would this have been  
19 in terms of time after you started working at the  
20 Juneau store?

21 A. Before I was engaged to Jeff Smith.

22 Q. Now, No. 20, you say, "I also noticed  
23 that San Miguel behaved in a very flirtatious  
24 manner, and in my view, an inappropriate manner,  
25 with Felicia Kohnen" --

1 A. Kohnen. Uh-huh.

2 Q. -- "who was a KSP in the Juneau store."

3 That's a human resources function?

4 A. Uh-huh.

5 Q. What did you observe in that regard?

6 A. They flirted a lot. They went on  
7 breaks. They were in the office a lot. I would  
8 try to -- I would come in there trying to discuss  
9 either an issue on the floor or with employees or  
10 how we were going to do something or how he wanted  
11 me to do something. And sometimes it was hard for  
12 me to get his attention because he was flirting  
13 with Felicia.

14 Q. Okay. Now, by "flirting," what do you  
15 mean?

16 A. Sitting very close together doing  
17 paperwork. I mean, I don't know what they were  
18 doing, but sitting very close. Not how, I mean,  
19 close I would sit to a manager or coworker in the  
20 office.

21 Q. Okay. And by "flirting," was that just  
22 in the context of the conversation or how they were  
23 acting --

24 A. Oh, laughing, giggling.

25 Q. Okay.



1 A. Yeah.

2 Q. Okay. Now it also says in that  
3 paragraph, "I could not help but notice that  
4 San Miguel would eye attractive women who walked by  
5 him in the Juneau store." Is that part of what  
6 you've already talked about?

7 A. Yeah, what I talked about previously.

8 Q. Okay. You say, 21, "It also became  
9 obvious to me that San Miguel preferred Hispanic  
10 employees over Asian employees. For example" --

11 A. I thought so. Like I said, there was,  
12 you know, people who -- that didn't get  
13 reprimanded, that I maybe thought should have  
14 either gotten spoken to or the issue resolved.  
15 Like Minerva Cortez, for example. She'd either  
16 done a lot of things, or she didn't do her job when  
17 she was closing. I mean, I had people come and  
18 talk to me and say, "Well, she's not showing up.  
19 How come she doesn't get reprimanded for it?" And  
20 I said, "Well, I have talked to Jaime about it,  
21 but, I mean, I have done what I could do."

22 Q. Did Ms. Minerva Cortez have a pattern  
23 of not showing up for work?

24 A. In the short time I was there?

25 Q. Yes.

1 A. She did.

2 Q. Okay. And was she ever reprimanded for  
3 that?

4 A. No. She still came to work. And, to  
5 me, that meant she wasn't reprimanded. Because the  
6 way that Fred Meyer is set up is, if you don't  
7 show -- if you do a no-show, no-call, then you are  
8 terminated.

9 Q. Was she terminated for that?

10 A. No.

11 Q. Okay. Is Ms. Cortez, to your  
12 knowledge, Hispanic?

13 A. Yeah.

14 Q. Okay. It says at 22, "On Myrna's last  
15 day in the Juneau store, I saw her crying in the  
16 stockroom and observed that she was very upset."  
17 Is that correct?

18 A. Yes.

19 Q. Okay. And, again, you don't know what  
20 she was upset about at that time, did you?

21 A. No.

22 Q. Okay. At 23, you say, "After Myrna's  
23 last day at work, San Miguel remarked that Myrna  
24 was not doing her job, but he didn't elaborate on  
25 that." Is that correct?

1 A. That was correct.

2 Q. At 24, you say Mr. San Miguel  
3 repeatedly asked you to "fix him up with dates or  
4 with hot women." Is that true?

5 A. That is correct.

6 Q. How often did that occur?

7 A. One time it happened upstairs in the  
8 office.

9 Q. What did he say?

10 A. And he said, "Oh, Johnna, do you have  
11 any hot friends that are single and you can set me  
12 up with?" When he was dating Kaylonna -- I don't  
13 know Kaylonna's last name.

14 Q. Is that Kaylonna Haase?

15 A. Yes, his girlfriend. And then another  
16 time was down by the -- the fitting room.

17 Q. Okay. And what did you think about  
18 that?

19 A. I thought it was very inappropriate.

20 Q. Okay. Did you ever set him up with  
21 dates or give him names of hot women?

22 A. No.

23 Q. Okay. Were you ever -- at 25, you  
24 indicate in the spring of 2002, that while Myrna  
25 Johnson was servicing a Foster Grant exhibit as a

1 to train because he didn't hire anybody.

2 Q. So what did that mean in terms of your  
3 work?

4 A. My work load became more because either  
5 I didn't have a crew to support me -- sometimes I  
6 might have had one person on graveyard to get the  
7 job done, and it was a new employee. And when you  
8 have a new employee, well, you have to train them.  
9 You got to walk them through everything, and you  
10 still got to do the job that you're supposed to do  
11 and still try and, you know, do the other people's  
12 job that weren't there.

13 Q. Did you ever state or tell  
14 Mr. San Miguel that you thought you were being  
15 punished in some fashion for being given that  
16 shift?

17 A. I did. I thought I was.

18 Q. And what was his response?

19 A. He, basically, was like "Tough." You  
20 know, that's what -- "I'm the manager. I make the  
21 schedule." I mean, he used that the term a lot.  
22 "I'm the manager. I'm the manager." It's like,  
23 well, I already know you are the manager. You  
24 don't have to tell me that.

25 So I did feel like I was being

1 punished. I don't -- I didn't really understand  
2 why because I thought either the issue of -- you  
3 know, yes, I did date an employee. I felt that was  
4 pushed behind us, and he said it too. But I still  
5 felt like I was being punished the whole time.

6 Q. Now, graveyards would be what -- what  
7 time period?

8 A. About ten-to-eights, or

9 Q. 10:00 p.m. --

10 A. 10:00 p.m. to, like, 8:00 a.m. or even  
11 7:30, because you just take a half hour lunch.  
12 Managers, of course, have to work, like, an extra  
13 hour, usually. That's just how they do it at Fred  
14 Meyer's. And sometimes I would work longer than  
15 that.

16 Q. It says that when he put you on the  
17 less favorable evening shift, he would give you a  
18 long list of things that needed to be done which  
19 could not possibly be completed during the shift.  
20 Do you recall that?

21 A. I do. He would always say, you know,  
22 "Here's the tour. You need to get these done."  
23 And in the course of it, I didn't have time to get  
24 them done, or just -- it's like he wouldn't  
25 understand why I didn't get them done.

1 Well, he either didn't take into  
2 consideration that I might have had an employee  
3 call in sick, or the employee then had to go do the  
4 cashier, or another employee went home because of  
5 something, or -- like no kids, no babysitters.

6 It's like you always have -- you  
7 always have issues that resolve in the store, and  
8 then you have to, then, do their job to still meet  
9 the expectations of how it should look in the  
10 morning, when customers come in.

11 Q. Okay. And given the time you had --

12 A. Uh-huh.

13 Q. -- did you do the very best job you  
14 could?

15 A. I did.

16 Q. Okay. And had that job, before you got  
17 engaged, always been acceptable?

18 A. It was acceptable before, yes.

19 Q. Okay. And now it wasn't?

20 A. No.

21 Q. Okay. At 31 in your affidavit, it  
22 says, "San Miguel would then criticize me for not  
23 completing all the items on his long list. On one  
24 occasion, he told me I needed to work until 2 a.m.  
25 to finish the tasks assigned to me." Is that

1 correct?

2 A. That is correct.

3 Q. At 32 in your affidavit, on page 6, you  
4 said, "By late fall of 2002, I was sure that  
5 San Miguel was trying to push me out of my job. He  
6 even blamed me for incidents that happened on my  
7 days off from work."

8 What do you mean by that?

9 A. Basically, like, I felt like they were  
10 trying to set me up to where -- I was -- like I was  
11 being pushed out of the job. Like I just -- there  
12 was a time where something had to be done. I can't  
13 really recall what it was, but we had -- we even  
14 had those classes that Fred Meyer sends people up.  
15 They do training and whatnot. And then we go to  
16 those classes for the day.

17 And then there was one time when I  
18 was off work, and another employee that was from  
19 the Fairbanks store had come up here to work and  
20 said that, "Oh, Johnna is not doing her job," this  
21 and that. It's like, how can I -- how is she  
22 saying that when I haven't even been here? I mean,  
23 I have been off. And he went and believed what  
24 that girl said over what he actually saw, or my  
25 work performance already.

1 Q. Okay.

2 A. So I felt that was very unfair and very  
3 frustrating.

4 Q. Okay. So did -- was it your experience  
5 no matter what you did, it wasn't going to be good  
6 enough at that point in time?

7 A. Yup.

8 Q. Okay.

9 A. That is correct.

10 Q. And how did that make you feel?

11 A. I was exhausted.

12 Q. Okay. Did you --

13 A. I was very -- I was sick of it.

14 Q. Now, at 33, you indicate in your  
15 affidavit you complained about Mr. San Miguel's  
16 conduct to Dennis Affleck. Is that right?

17 A. I did.

18 Q. And then at 34, you state that in  
19 December of 2002, you were given, by San Miguel and  
20 Fred Sayre, a written warning for leaving the job  
21 when not completed.

22 A. Uh-huh.

23 Q. Okay. Can you explain what happened in  
24 that situation?

25 A. What had happened was, I was working



1 And then after that, I remember he  
2 did put a few day people on the graveyards, and  
3 then I had some help.

4 Q. Okay.

5 A. But I had to complain a lot to get  
6 that.

7 Q. At 37 in your affidavit here, on page  
8 6, it says, "After I complained about San Miguel's  
9 conduct, he placed me on the graveyard shift which  
10 ran from 10:00 a.m. to 7:30 p.m." Is that  
11 incorrect? Is it actually 10:00 p.m. to 7:30 a.m.?

12 A. Yeah, that is incorrect.

13 Q. Okay. It's just the a.m. and p.m. is  
14 reversed, right?

15 A. Yeah.

16 Q. Okay. At 38 it says, Mr. San Miguel's  
17 harassment and retaliation began to take a toll on  
18 my health. I was rushed to the hospital with chest  
19 pains in December of 2002." Is that correct?

20 A. That is correct.

21 Q. And in December of 2002, how old were  
22 you?

23 A. 23? 23.

24 Q. 23? Okay. And did you ever get a  
25 diagnosis for those chest pains?

1 A. They say it was because of stress.

2 Q. Okay.

3 A. Stress-related.

4 Q. Now, at 42 in your affidavit on page

5 7 --

6 A. Uh-huh.

7 Q. -- it says -- when you'd send

8 e-mails -- previously you'd talked about sending

9 e-mails to a number of people that weren't

10 responded to. But it says at 42, "Ms. Lucas did

11 respond to my e-mail, and I informed Ms. Lucas that

12 Mr. San Miguel had issues with women, and that I

13 felt there was a pattern in his treatment of

14 various women, including myself and Ms. Johnson."

15 A. Uh-huh.

16 Q. What was Ms. Lucas' response to that?

17 A. I'm trying to recall. I can't

18 remember.

19 Q. Okay. Now, when you went to work, you

20 went to work over in what part of the store when

21 you left apparel?

22 A. Jewelry.

23 Q. Okay. And did you have any write-ups

24 while you worked in jewelry?

25 A. No.